

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

COSMO ALLEN LEE BYRD,

Plaintiff,

v.

TUOLUMNE COUNTY SHERIFFS, et al

Defendant.

1:21-cv-00559-SAB (PC)

ORDER GRANTING APPLICATION TO  
PROCEED IN FORMA PAUPERIS  
(Doc. 2)

and

ORDER DIRECTING PAYMENT  
OF INMATE FILING FEE BY THE  
TUOLUMNE COUNTY SHERIFF

Plaintiff is a prisoner proceeding pro se pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed in forma pauperis will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to plaintiff's trust account. The Tuolumne County Sheriff is required to send to the Clerk of the Court payments from plaintiff's account each time the amount in the account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

In accordance with the above and good cause appearing therefore, IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed in forma pauperis is GRANTED;
2. **The Tuolumne County Sheriff or his designee shall collect payments from plaintiff's prison trust account in an amount equal to twenty percent (20%) of**

1 the preceding month's income credited to the prisoner's trust account and shall  
2 forward those payments to the Clerk of the Court each time the amount in the  
3 account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of  
4 \$350.00 has been collected and forwarded to the Clerk of the Court. The  
5 payments shall be clearly identified by the name and number assigned to this  
6 action.

- 7 3. The Clerk of the Court is directed to serve a copy of this order and a copy of plaintiff's  
8 in forma pauperis application on the Tuolumne County Sheriff located at 28 N. Lower  
9 Sunset Drive, Sonora, CA 95370.
- 10 4. The Clerk of the Court is directed to serve a copy of this order on the Financial  
11 Department, U.S. District Court, Eastern District of California, Sacramento Division.
- 12 5. Within sixty (60) days of the date of service of this order, plaintiff shall submit a  
13 certified copy of his prison trust account statement for the six-month period  
14 immediately preceding the filing of the complaint, if plaintiff has not already done so.

15 IT IS SO ORDERED.

16 Dated: April 5, 2021

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18 UNITED STATES MAGISTRATE JUDGE